

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK HALE, et al.,)
vs.)
Plaintiffs,)
STATE FARM MUTUAL AUTOMOBILE) Case No. 12-cv-660-DRH-SCW
INSURANCE COMPANY, et al.,)
Defendants.)

MEMORANDUM AND ORDER

WILLIAMS, Magistrate Judge:

On November 10, 2015, the Court held a discovery dispute conference regarding a timeline that Justice Karmeier produced to a news outlet at the University of Illinois. Justice Karmeier prepared the timeline, or had someone in his office prepare the timeline, and the timeline was then provided to the reporter at *Illinois Issues* as part of a radio interview conducted with Justice Karmeier. The timeline was received by the Plaintiffs from the news outlet and Plaintiffs now seek additional information from Justice Karmeier regarding the timeline. Specifically, Plaintiffs seek an electronic copy of the timeline from Justice Karmeier with all metadata still intact. They also seek any emails that Justice Karmeier sent or received related to this timeline.

Counsel for Justice Karmeier believes that as the documents were created on the Justice's court computer, that the appropriate method of retrieving the documents is through a subpoena to the Illinois Supreme Court. However, at the hearing, counsel for Justice Karmeier indicated that he recently spoke with the director of the Illinois Court systems and that on a previous occasion documents retrieved from the court systems were produced from a subpoena directed to the director who then retrieved the documents. Counsel noted, however, that Justice Karmeier could also copy

the file and the emails but expressed concern that Plaintiffs' request might go beyond the request for the document and emails related to the document which would require a subpoena directed to the Illinois Supreme Court. The Court notes that Plaintiffs have not sought any materials beyond the timeline itself and emails related to the timeline. The Court finds the requested documents to be within Justice Karmeier's control. **Fed.R.Civ.P. 45(a)(1)(A)(iii).**

As such, the Court **DIRECTS** Justice Karmeier to provide Plaintiffs with an electronic copy of the timeline with the metadata still intact, as well as any emails Justice Karmeier sent or received related to the timeline. Justice Karmeier has three weeks from today's date to produce the documents requested by Plaintiffs. Should the retrieval of the documents and email require additional time, counsel may request an extension to produce the documents if needed.

IT IS SO ORDERED.

DATED: November 10, 2015.

/s/ Stephen C. Williams _____

STEPHEN C. WILLIAMS
United States Magistrate Judge